



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/229,704	01/13/1999	FRANCIS R. WALDMAN	1298/OE751	5569

7590

07/07/2004

Joseph B Ryan  
Ryan Mason & Lewis LLP  
90 Forest Avenue  
Locust Valley, NY 11560

EXAMINER

TRAN, THIEN D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 07/07/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

4

# Office Action Summary

Application No.

09/229,704

Applicant(s)

WALDMAN, FRANCIS R.

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-8 is/are allowed.
- 6) ☒ Claim(s) 1,9-14 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 9-14, 17 are rejected under 35 U.S.C. 102(e) as being participated by McAllister et al (U.S Patent No 6,501,755 B1).

Regarding claims 1, 9, McAllister discloses a method for interconnecting a calling party asynchronous transfer mode system having a calling party CPE 15 or 142 called party asynchronous transfer mode system 23 or 150 through an intermediate switching asynchronous transfer mode networks B, C, D having a border node 24 or 152, col.4 line 46, associated with each asynchronous transfer mode system comprising (figure.1 and figure 2:

Art Unit: 2665

routing a call from said calling party host to the called party host over the intermediate switching asynchronous transfer mode network based on an ATM domain addressing scheme that is translation addresses of calling and called CPE (independent of an addressing scheme) of the asynchronous transfer mode systems, col.10 lines 35-40;

wherein the routing step comprises:

Mapping and translating (substituting) at the border node of the calling party asynchronous transfer mode system in a called party address information element an intermediate switching asynchronous transfer mode network address of the border node of the called CPE asynchronous transfer mode system for the asynchronous transfer mode system address of the called CPE, col.9 lines 40-50; and

routing the call over the intermediate switching asynchronous transfer mode network from the border node of the calling CPE asynchronous transfer mode system to the border node of the called CPE asynchronous transfer mode system based on the intermediate switching asynchronous transfer mode network address in the called CPE address information element, col.10 lines 35-60.

Regarding claim 10, McAllister discloses that switch border nodes are asynchronous transfer mode switches, col.10 line 66.

Regarding claims 11, 13, McAllister discloses that calling party asynchronous transfer mode system comprises a calling party host directly connected to calling party border node, figures 1 and 2A.

Art Unit: 2665

Regarding claims 12, 14, McAllister discloses a calling party asynchronous transfer mode system comprises:

a calling party host; and

at least one calling party non-border node connected between said calling party host and said calling party border node, figures 1 and 2A.

Regarding claim 17, McAllister discloses a method for interconnecting a calling party asynchronous transfer mode system having a calling party CPE 15 or 142 called party asynchronous transfer mode system 23 or 150 through an intermediate switching asynchronous transfer mode networks B, C, D having a border node 24 or 152, col.4 line 46, associated with each asynchronous transfer mode system comprising (figure.1 and figure 2:

routing a call from said calling party host to the called party host over the intermediate switching asynchronous transfer mode network based on an ATM domain addressing scheme that is translation addresses of calling and called CPE (independent of an addressing scheme) of the asynchronous transfer mode systems, col.10 lines 35-40;

generating at the calling party host a message specifying the ATM system address of the called CPE host in a called CPE address information element, col.10 lines 6-9;

mapping and translating (substituting) at the calling CPE border node in the called CPE address information element the intermediate switching ATM network address of the called CPE border node for the ATM system address of the called party host, col.10 lines 25-30;

Art Unit: 2665

transmitting the call over the intermediate switching ATM network to the called CPE border node based on the intermediate switching ATM network address of the called CPE border node in the called CPE address information element, figure 1;

generating at the called CPE border node a message specifying in the called CPE address information element the ATM system address of the called CPE host, col.11 lines 15-20; and

routing the call to the called party host based on the asynchronous transfer system address of the called CPE host in the called CPE address information element, col.11 lines 22-27.

### ***Allowable Subject Matter***

3. Claims 3-8 are allowed.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
STEVEN NGUYEN  
PRIMARY EXAMINER

Application/Control Number: 09/229,704

Page 6

Art Unit: 2665

Thien Tran